

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1347 of 2003(O&M)

Date of Decision: 12.03.2018

Kanta Devi & ors.

... Appellants

Versus

Shri Ranjit Singh & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Ms. Kiran Bala Jain, Advocate, and
Mr. Rohit Jain, Advocate,
for the appellants.

Mr. Vijay Kumar Garg, Advocate,
for respondent No.3.

RAMENDRA JAIN, J.(Oral)

Claimants through this appeal have sought enhancement of compensation by modifying impugned award dated 05.09.2002 of the Motor Accident claims Tribunal, Ambala (in short 'the Tribunal').

Both the parties are *ad idem* to the effect that compensation in this appeal has to be calculated according to National Insurance Company Ltd. Vs. Pranay Sethi & ors., 2017(4) RCR (Civil) 1009.

According to calculations submitted by learned counsel for respondent No.3-Insurance Company (Annexure 'A'), total compensation payable to the appellants comes to ₹3,92,880/-, out of which compensation already awarded by the learned Tribunal has to be deducted. Thus, after deducting the same, the net amount payable to the appellants comes to ₹1,90,880/-.

Learned counsel for the appellants contends that appellant No.1 is the mother, whereas appellants No.2 and 3 are sister and father of deceased Subhash Kumar respectively. Relying upon the decision of Apex Court in

Smt. Sarla Verma and others Vs. Delhi Transport Corporation and Anr.,
2009(3) RCR (Civil) 77, learned counsel has contended that only appellant No.1, being mother of deceased, has to be held entitled to enhanced compensation.

Heard.

Having given considerable thought to the submission made by learned counsel for the appellants and going through the aforesaid citation, only claimant No.1, being mother of deceased, is held entitled to enhanced compensation of ₹1,90,880/- (rupees one lakh ninety thousand eight hundred eighty) along with interest @ 7.5% per annum from the date of filing of the petition till its realization, to be payable by the respondent-Insurance Company, subject to furnishing indemnity bond indemnifying the Insurance Company that in case, any of appellants No.2 and 3 would claim in future any share in the enhanced compensation, she would indemnify the Insurance Company for all consequences and refund the proportionate amount of their share. Insurance Company is directed to deposit the enhanced amount of compensation within one month from today before the learned Tribunal for onward disbursement to appellant No.1 in accordance with law against proper receipt and identification.

With the above observation, this appeal stands disposed of.

12.03.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No